

FOR IMMEDIATE RELEASE

September 5, 2007

ILLINOIS LEGAL COMMUNITY AND DEPARTMENT OF VETERANS' AFFAIRS COME TOGETHER TO SUPPORT VETERANS

Justice Thomas R. Fitzgerald of the Illinois Supreme Court, Director L. Tammy Duckworth of the Illinois Department of Veterans' Affairs, officials of The John Marshall Law School and the Illinois State Bar Association announced Wednesday a joint initiative to support Illinois veterans in obtaining legal services and disability and educational benefits.

The effort aims to recruit and train lawyers, who will accept no fee and match them with veterans wishing legal support through what can be an administrative maze of the veterans' claims process. Training attorneys is critical to the effort. The number of lawyers who practice in this area of administrative law is scarce because the federal government, dating to the days of the Civil War, prohibits lawyers from formally representing veterans in the claims process until their appeals, upon denial, reach Washington, D.C.

"This is a wonderful effort by public and private groups who have come together for a noble and necessary purpose," said Justice Fitzgerald. "Of all the people whose well-being ought to be important to us are our veterans, and our veterans who have been wounded and disabled. Sometimes the process to seek through federal and local agencies benefits for the disabled can be difficult for the uninitiated; and the support of a lawyer can be very, very valuable."

The initiative is the result of a coalition that came together through the efforts of the Illinois Supreme Court, the Court's Commission on Professionalism; students and trustees at The John Marshall Law School; the Illinois State Bar Association, the Legal Assistance Foundation of Metropolitan Chicago and other bar groups; and the Illinois Department of Veterans' Affairs.

The VLSC and clinic is the brainchild of four students at The John Marshall Law School. They are service veterans themselves or soon to be members of the military, and worked for nearly a year in making it a reality. It will be the only law school clinic in the nation dedicated solely to support veterans in the administrative claims process.

The overall lawyers' initiative is a demonstration of how groups working on their own to find ways to support Illinois veterans strengthened their efforts by joining together in cooperation.

MORE

Veterans Add One

Justice Fitzgerald became involved through conversations with David Bryant, a suburban lawyer, and other attorneys interested in providing free legal services to veterans. Justice Fitzgerald spoke to his fellow Justices on the Court; and the Court asked Cheryl I. Niro, executive director of the Court's Commission on Professionalism, to determine if it could find ways to support Illinois veterans in processing their disability claims.

Ms. Niro, a former president of the Illinois State Bar Association (ISBA), enlisted the aid of the ISBA and its Committee on Military Affairs, chaired by downstate Circuit Court Judge Ronald D. Spears, a retired colonel from the Illinois Army National Guard and Judge Advocate General Corps Branch. She and Judge Spears held several planning sessions and teleconferences which reached out to other bar groups and attorneys, including the Legal Assistance Foundation of Metropolitan Chicago which this summer was establishing its own Veterans' Rights Project.

The plan that emerged involved the Veterans' Legal Support Center (VLSC) at The John Marshall Law School. Coincidentally, Dean Corkery was appointed to the Commission on Professionalism last spring. He mentioned the then-tentative plans to establish the clinic at his first Commission meeting after Ms. Niro had solicited ideas from Commission members to help implement the Court's wishes to support veterans.

"The coincidence was remarkable," said Ms. Niro. "There is something about creating a project at the right time. Providing legal services to veterans is in the hearts and minds of all Illinois lawyers. Everyone wants to help."

Under part of the plan, the Commission will sponsor and underwrite an intensive training course for lawyers and a group of students and faculty at The John Marshall Law School in the increasingly complex area of administrative law as it applies to veterans. Funds for the training will be contributed through the Commission by Illinois lawyers from their annually required registration fees.

The first training session is scheduled to be held October 5 for 40 volunteer attorneys and students. It will be taught by an acclaimed expert in administrative law, Ron Abrams, the Director of the National Veterans Legal Services Project in Washington, D.C. The primary purpose of the all-day session will be to train lawyers who can then train other lawyers throughout the state, thereby setting up a credible and willing network of attorneys willing to support Illinois veterans.

To be eligible to attend this "Train-the-Trainers" course, an attorney must commit to training other attorneys in the state and to support a veteran's case without charging a fee (*pro bono publico*).

The Illinois State Bar Association, through its Committee on Military Affairs, has also given its commitment to recruit and train lawyer volunteers from around the state to assist veterans in the processing of their disability and other claims.

Together with the Commission, the ISBA plans to coordinate two or three other training sessions in downstate Illinois, perhaps in Springfield or Champaign and in Southern Illinois. The John Marshall

MORE

Veterans Add Two

Veterans ' Legal Support Center has agreed to maintain a data base of lawyers trained and willing to serve *pro bono publico*, and match them with veterans expressing interest in utilizing the support of attorneys. The Illinois Department of Veterans' Affairs also has agreed to assist in forwarding the names of veterans wishing support.

"I consider it a privilege to be involved with this project to assist veterans," said Brian Clauss, executive director of the center and clinic. "This great group of students identified a problem and figured out a way to solve it. They figured out a plan of attack, went to the right people, organized it and are getting it off the ground."

At the news conference, Director Duckworth presented a \$100,000 grant to the center and clinic, also consisting of non-taxpayer funds. They are proceeds from a scratch-off lottery ticket, which benefits non-profit organizations that help Illinois veterans.

LexisNexis has contributed computers, UserIDs, and other in-kind support to the VLSC; and has agreed to underwrite part of the cost of the textbook, authored by Mr. Abrams and published by LexisNexis, which will be used in the "Train-the-Trainers" course.

The need for training lawyers in the veterans administrative process is critical.

To this day, attorneys are barred from formally representing veterans until their disputed claims reach the appellate process in Washington, D.C. Since the Civil War, the federal government mandated that in the appellate process attorneys can be paid a maximum of only between \$10 and \$100. A new law, which went effect July 1, 2007, now allows attorneys in the appellate stages to receive a contingency fee of up to 20 percent of the awarded funds to the veteran.

Even though they cannot formally represent veterans in the initial stages, attorneys trained in Illinois under the joint initiative announced Wednesday will support veterans in traversing the complex administrative process, including gathering and preparing the necessary documentation required in the claims process.

The Commission on Professionalism was created by the Supreme Court in September 2005 to support and encourage enhanced professionalism within the legal community.

"We are proud that the first major *pro bono* effort undertaken by the Courts Commission will serve those who have been called to our nation's service," said Ms. Niro. "It is an honor to honor their sacrifice by assisting them in receiving benefits to which they are entitled. We will not ignore them in their time of need, just as they answered their nation's call."

–30–

(FOR MORE INFORMATION, Contact Joseph Tybor or Dawn Frison for the Illinois Supreme Court at 312-793-2323, 312.793-0870; Marilyn Thomas or Andrea Koklys at The John Marshall Law School at 312.360.2662, 312-427.2737 ext. 554, respectively; Jessica Woodward for the Department of Veterans' Affairs at 312.814.8194 and John F. Costello, Jr., for the Legal Assistance Foundation of Metropolitan Chicago at 312.347.8340)